

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

SHAWNEE DONTALL ALLEN,

Petitioner,

vs.

BRIAN E. WILLIAMS, *et al.*,

Respondents.

2:10-cv-01720-GMN-PAL

**ORDER**

This action is a *pro se* petition for a writ of habeas corpus filed pursuant to 28 U.S.C. § 2254, by a Nevada state prisoner. On January 18, 2011, respondents filed a motion to dismiss and supporting exhibits. (ECF No. 8 & 9). On January 19, 2011, the Court issued a minute order, pursuant to *Klinge v. Eikenberry*, 849 F.2d 409 (9<sup>th</sup> Cir. 1988) and *Rand v. Rowland*, 154 F.3d 952 (9<sup>th</sup> Cir. 1998) (en banc). (ECF No. 10).

On January 31, 2011, petitioner filed a motion in which he states that he received the Court's minute order (ECF No. 10) regarding the motion to dismiss, but he has not yet received the actual motion to dismiss. (ECF No. 11). Petitioner seeks additional time to respond to the motion to dismiss. (ECF NO. 11).


The motion to dismiss (ECF No. 8) and supporting exhibits (ECF No. 9) each contain a certificate of service indicating that petitioner was served with the same on January 18, 2011, at Southern Desert Correctional Center, P.O. Box 208, Indian Springs, NV **89018**. Petitioner's address of record is Southern Desert Correctional Center, P.O. Box 208, Indian Springs, NV **89070**. Thus, respondents used an incorrect zip code when serving petitioner with the motion to dismiss and supporting exhibits.

**IT IS THEREFORE ORDERED** that respondents **SHALL SERVE** petitioner with the motion to dismiss and supporting exhibits (ECF No. 8 & 9) at his correct address of record.

1 Respondents **SHALL FILE** a notice of compliance with this Court, that service of the motion and  
2 exhibits on petitioner has been accomplished, within **seven (7) days** of issuance of this order.

3 **IT IS FURTHER ORDERED** that petitioner's motion (ECF No. 11) is **GRANTED**.  
4 Petitioner's response to the motion to dismiss shall be filed not later than **fourteen (14) days** after  
5 petitioner is served with the motion and exhibits.

6 DATED this 3rd day of February, 2011.

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9 Gloria M. Navarro  
10 United States District Judge  
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